



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 08081-99
2 February 2001

MR. [REDACTED]

De [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 22 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Since the Board found insufficient basis to remove your failures by the Fiscal Year 98, 99 or 00 Naval Reserve Line Lieutenant Commander Selection Boards, they had no grounds to set aside your discharge from the Naval Reserve. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

22 FEB 2000

08081-99



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5420

PERS-86

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File 08081-99 w/Service record

1. We are returning enclosure (1) with the following observations and recommendation that [REDACTED]'s petition be denied.

2. [REDACTED] requests the removal of the twice passed over status to O-4. The basis for his request is that he could not drill due to a not physically qualified status since July of 1995. He points out that he is presently in a physical qualified status and is drilling with the Voluntary Training Unit at Andrews Air Force Base. He further states that during his NPQ status that he participated in one and a half years of Naval War College.

3. [REDACTED] was properly considered by the FY-98, FY-99 and the FY-00 Naval Reserve Lieutenant Commander Line Promotion Boards. He was not selected for promotion by these boards.

4. A review of his record on EMPRS as seen by the FY-00, and the file copy as seen by the FY-99 and FY-98 Naval Reserve Lieutenant Commander Line Promotion Boards revealed that his record was complete, and that he did not submit any correspondence to the boards. The last two fitness reports (01 Feb 95 - 31 Oct 95 and 01 Nov 95 - 29 Feb 96) show he was in an authorized absent status for both reports and not placed into an NPQ status till 1 March 1996 according to the last fitness reports. A Medical Status letter requesting a response of either resigning his commission, or continuing in a ready or standby reserve dated 26 November 1997 placed the member officially NPQ. A response to this letter was not given by the member, therefore his reserve status remained the same.

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5. Specific reasons for [REDACTED] failure to promote are not available since proceedings of selection boards are sensitive in nature and records of deliberations are not kept. It is our opinion that [REDACTED] record was viewed in its entirety, and was simply not considered competitive enough, when considered within the numerical constraints placed on the board.

6. [REDACTED]'s service to his country is laudable and he can be justifiably proud of his contribution; the negative response to this request does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]
[REDACTED]
[REDACTED]
Director, Naval Reserve Officer
Promotion, Appointments and
Enlisted Advancements Division